

28369 KWL/B

**STATEMENT UNDER 37 CFR 1.97(e) ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

Docket No.
0267-1430

In Re Application Of: **David Y. Chan**

NOV 26 2004
PATENT & TRADEMARK OFFICE
Serial No.
09/829,339

Filing Date
April 9, 2001

Examiner
Zeev Kitov

Group Art Unit
2836

Invention: **CIRCUIT INTERRUPTER WITH IMPROVED SUPPRESSION**

TO THE COMMISSIONER FOR PATENTS:

This is a statement under the provisions of 37 CFR 1.97(e) in the above-identified application.

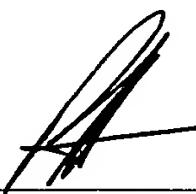
Check applicable statement herebelow:

Statement Under 37 CFR 1.97(e)(1)

- Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

Statement Under 37 CFR 1.97(e)(2)

- No item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.



Signature

Dated: November 22, 2004

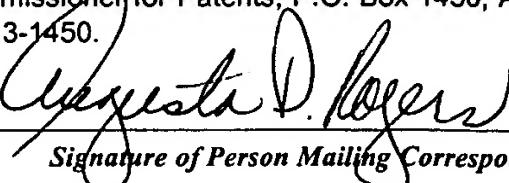
Paul J. Sutton, Esq.
Reg No. 24,201
Greenberg Traurig, LLP
200 Park Avenue
New York, New York 10166

Tel: 212.801.2108

CC:

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Commissioner for Patents, P.O. Box 1450, Alexandria, VA
22313-1450.



Signature of Person Mailing Correspondence

Augusta D. Rogers

Typed or Printed Name of Person Mailing Correspondence

O P E
TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
NOV 26 2004 (Under 37 CFR 1.97(d))

Docket No.
0267-1430

In Re Application Of David Y. Chan et al.

Serial No.
09/829,339

Filing Date
April 9, 2001

Examiner
Zeev Kitov

Group Art Unit
2836

Title: CIRCUIT INTERRUPTER WITH IMPROVED SURGE SUPPRESSION

Address to:

Commissioner for Patents

The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(d), and on or before payment of the issue fee, and is accompanied by the Statement as specified in 37 CFR 1.97(e) and the fee set forth in 37 CFR 1.17(p).

- A check in the amount of _____ is attached.
 Charge Deposit Account No. 12-1185 in the amount of \$180.00

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I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (F

(Date)

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Augusta D. Rogers
Signature of Person Mailing Correspondence

Augusta D. Rogers

Typed or Printed Name of Person Mailing Certificate

*This certificate may only be used if paying by deposit account

Signature

Paul J. Sutton, Esq.

Reg. No. 24,201

Greenberg Traurig, LLP

200 park Avenue

New York, New York 10166

Tel: 212.801.2108

Dated: November 22, 2004

CC:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 22, 2004.

Augusta D. Rogers
Augusta D. Rogers



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: David Y. Yan et al

Serial No.: 09/829,339

Date Filed: April 9, 2001

For: **CIRCUIT INTERRUPTER WITH
IMPROVED SURGE SUPPRESSION**

Group Art Unit: 2836

Examiner: Zeev Kitov

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to Applicant's duty of disclosure, the information listed in the attached form PTO/SB/08A is brought to the attention of the Examiner. Copies of the references are provided.

It is respectfully requested that the information cited in the attached Form PTO-SB/08A be considered by the Examiner in connection with the above-identified patent application, and that such art be made of record in said application.

11/29/2004 YPOLITE1 00000057 121185 08829339

01 FC:1806 180.00 DA

#1001877 v2

REFERENCES

Applicants would also like to bring the Examiner's attention to the following commonly owned co-pending U.S. Letters Patents and Pending Patent Applications:

Patent No.: 6,437,700	issued : 08/20/2002
Serial No.: 09/812,875	filed : 03/20/2001
Patent No.: 6,771,152	issued : 08/03/2004
Serial No.: 10/909,610	filed : 08/02/2004
Patent No.: 6,671,145	issued : 12/30/2003
Serial No.: 10/747,484	filed : 12/29/2003
Patent No.: 6,693,779	issued : 02/17/2004
Serial No.: 10/779,211	filed : 02/13/2004
Patent No.: 6,288,882	issued : 09/11/2001
Patent No.: 6,717,782	issued : 06/04/2004
Patent No.: 10/818,626	issued : 04/05/2004
Patent No.: 6,282,070	issued : 08/28/2001
Patent No.: 6,646,838	issued : 11/11/2003
Serial No.: 10/702,571	filed : 11/11/2003
Patent No.: 6,381,112	issued : 04/30/2002
Serial No.: 09/812,601	filed : 03/20/2001 (abandoned)
Serial No.: 10/613,667	filed : 07/03/2003
Patent No.: 6,040,967	issued : 03/21/2001
Serial No.: 10/724,973	filed : 12/01/2003

Serial No.: 10/702,571	filed : 11/06/2003
Patent No.: 6,657,834	issued : 12/02/2003
Serial No.: 09/175,228	filed : 10/20/1998 (abandoned)
Patent No.: 6,246,558	issued : 06/12/2001
Patent No.: 6,437,953	issued : 08/20/2002
Serial No.: 10/223,284	filed : 08/19/2002
Serial No.: 10/166,337	filed : 03/21/2001
Serial No.: 09/905,713	filed : 03/19/2001
Serial No.: 10/613,667	filed : 07/03/2003
Serial No.: 09/812,288	filed : 03/20/2001
Serial No.: 09/531,990	filed 03/20/2000 (abandoned)
Serial No.: 10/166,338	filed 03/21/2001
Serial No.: PCT/US99/19319	publication date: 03-02-2000
Serial No.: PCT/US00/22955	publication date: 03-01-2001
Serial No.: PCT/US01/32562	publication date: 04-25-2002

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that these items are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search.

The filing of this Information Disclosure Statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b). We do not believe that the references cited are material to the subject matter of the present invention. The cited references are being submitted for the sake of completeness.

The Commissioner is hereby authorized to charge the \$180.00 fee for submission of an Information Disclosure Statement required by 37 C.F.R § 1.17(p) to Deposit Account No. 12-1185 of Leviton Manufacturing Co., Inc. Fee Transmittal (PTO/SB/17) in duplicate is attached.

The Commissioner is also hereby authorized to charge any extra fees which may be required and/or credit any overpayment to Deposit Account No. 12-1185 of Leviton Manufacturing Co., Inc.. A duplicate copy of this sheet is enclosed for that purpose.

Early and favorable consideration of the case is respectfully requested.

Dated: November 22, 2004

Respectfully submitted,



Paul J. Sutton, Esq.
Registration No. 24,201
Attorney for Applicants
Greenberg Traurig, LLP
200 Park Avenue
New York, New York 10166
Tel. (212) 801-2108

NOV 26 2004

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEETRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$)
\$180.00**Complete if Known**

Application Number	09/829,339
Filing Date	April 9, 2001
First Named Inventor	David Y. Chan
Examiner Name	LiZeev Kitov
Art Unit	2836
Attorney Docket No.	0267-1430

METHOD OF PAYMENT (check all that apply)
 Check Credit card Money Order Other None
 Deposit Account:Deposit Account Number **12-1185**Deposit Account Name **Leviton Manufacturing Co., Inc.**

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee		
1002	340	2002	170	Design filing fee		
1003	530	2003	265	Plant filing fee		
1004	770	2004	385	Reissue filing fee		
1005	160	2005	80	Provisional filing fee		
SUBTOTAL (1)						

2. EXTRA CLAIM FEES FOR UTILITY AND

	Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/> -20** = <input type="text"/> 0	X <input type="text"/> = <input type="text"/> 0.00	
Independent Claims	<input type="text"/> - 3** = <input type="text"/> 0	X <input type="text"/> = <input type="text"/> 0.00	
Multiple Dependent			

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)				\$0.00

**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES**Large Entity** **Small Entity**

Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051	65 Surcharge - late filing fee or oath	
1052	50	2052	25 Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130 Non - English specification	
1812	2,520	1812	2,520 For filing a request for ex parte reexamination	
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action	
1251	110	2251	55 Extension for reply within first month	
1252	420	2252	210 Extension for reply within second month	
1253	950	2253	475 Extension for reply within third month	
1254	1,480	2254	740 Extension for reply within fourth month	
1255	2,010	2255	1,005 Extension for reply within fifth month	
1401	330	2401	165 Notice of Appeal	
1402	330	2402	165 Filing a brief in support of an appeal	
1403	290	2403	145 Request for oral hearing	
1451	1,510	1451	1,510 Petition to institute a public use proceeding	
1452	110	2452	55 Petition to revive - unavoidable	
1453	1,330	2453	665 Petition to revive - unintentional	
1501	1,330	2501	665 Utility issue fee (or reissue)	
1502	480	2502	240 Design issue fee	
1503	640	2503	320 Plant issue fee	
1460	130	1460	130 Petitions to the Commissioner	
1807	50	1807	50 Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180 Submission of Information Disclosure Statement	180.00
8021	40	8021	40 Recording each patent assignment per property (times number of properties)	
1809	770	2809	385 Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385 For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385 Request for Continued Examination (RCE)	
1802	900	1802	900 Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)**(\$)** **\$180.00****SUBMITTED BY**

Name (Print/Type)	Paul J. Sutton	Registration No. (Attorney/Agent)	24,201	Telephone	212.801.2108
Signature				Date	11/22/2004

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/08A (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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Sample for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 5

Complete if Known

Application Number	09/829,339
Filing Date	April 9, 2001
First Named Inventor	David Y. Yan
Art Unit	2836
Examiner Name	Zeev Kitov

Attorney Docket Number 0267-1430

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (<i>if known</i>)			
1	US- 4,034,266		07-1977	Virani et al.	
2	US- 4,719,437		01-1988	Yun	
3	US- 4,802,052		01-1989	Brant et al.	
4	US- 4,851,951		07-1989	Foster, Jr.	
5	US- 5,223,810		06-1993	Van Haaren	
6	US- 5,224,006		06-1993	MacKenzie et al.	
7	US- 5,594,398		01-1994	Marcou et al.	
8	US- 5,600,524		02-1997	Neiger et al.	
9	US- 5,805,397		09-1998	MacKenzie	
10	US- 5,875,087		02-1999	Spencer et al.	
11	US- 6,040,967		03-2000	DiSalvo	
12	US- 6,282,070		08-2001	Ziegler et al.	
13	US- 6,246,558		06-2001	DiSalvo et al.	
14	US- 6,381,112		04-2002	DiSalvo et al.	
15	US- 6,437,953		08-2002	DiSalvo et al.	
16	US- 6,437,700		08-2002	Herzfeld et al.	
17	US- 6,671,145		12-2003	Germain et al.	
18	US- 6,288,882		09-2001	DiSalvo et al.	
	US-				

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>)				
1	PCT/US99/19319		03-2000	Leviton Manufa.		
2	PCT/US00/22955		03-2001	Leviton Manufa.		
3	PCT/US01/32562		04-2002	Leviton Manufa.		
4	WO 96/01484 A		01-1996	Power Breaker P		
5	EP 0 526 071 A		02-1993	PDL Holdings Lt		
6	Australian No 759587		07-2003	Leviton Manufa.		

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2of 5**Complete if Known**

Application Number	09/829,339
Filing Date	April 9, 2001
First Named Inventor	David Y. Yan
Art Unit	2836
Examiner Name	Zeev Kitov

Attorney Docket Number 0267-1430**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
19	US- 6,282,070	08-2001	Ziegler et al.		
20	US- 6,646,838	11-2003	Ziegler et al.		
21	US- 6,381,112	04-2002	DiSalvo		
22	US- 6,040,967	03-2000	DiSalvo		
23	US- 6,657,834	12-2003	DiSalvo		
24	US- 5,625,285	04-1997	Virgilo et al.		
25	US- 4,967,308	10-1990	Morse		
26	US- 5,637,000	06-1997	Osterbrock et al.		
27	US- 6,309,248	10-2001	King Gerald N.		
28	US- D462,660	09-2002	Huang et al.		
29	US- 5,600,524	02-1997	Neiger et al.		
30	US- 5,694,280	12-1997	Zhou		
31	US- 5,847,913	12-1998	Turner et al.		
32	US- 5,933,063	08-1999	Keung et al.		
33	US- 5,963,408	10-1999	Neiger et al.		
34	US- 4,002,951	01-1977	Halbeck		
35	US- 4,521,824	06-1985	Morris et al.		
36	US- 5,229,730	07-1993	Legatti et al.		
37	US- 5,477,412	12-1995	Neiger et al.		

FOREIGN PATENT DOCUMENTS

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		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
7	UK 830,018		03-1960	Michael Gerrad		
8	UK 2,207,823		02-1989	Ian Pickering		
9	GB 2,290,181 A		12-1995	John A. Pollman		

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Sheet 3of 5**Complete if Known**

Application Number	09/829,339
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First Named Inventor	David Y. Yan
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		Number-Kind Code ² (if known)			
38	US- 5,517,165		05-1996	Cook	
39	US- 5,661,623		08-1997	McDonald et al.	
40	US- 5,956,218		09-1999	Berthold	
41	US- 4,521,824		06-1985	Morris et al.	
42	US- 5,229,730		07-1993	Legatti et al.	
43	US- 5,477,412		12-1995	Neiger et al.	
44	US- 5,956,218		09-1999	McDonald et al.	
45	US- 5,875,087		02-1999	Spenser et al.	
46	US- 5,148,344		09-1992	Astley et al.	
47	US- 3,702,418		11-1972	Robert Obenhaus	
48	US- 4,574,260		03-1986	Terry E. Franks	
49	US- 5,805,397		09-1998	Raymond MacKenzie	
50	US- 3,309,571		03-1967	Clyde Gilker	
51	US- 3,538,477		11-1970	Walters et al.	
52	US- 3,872,354		03-1975	Nestor et al.	
53	US- 3,949,336		04-1976	Robert E Dietz	
54	US- 4,034,360		07-1977	Ronald G. Munroe	
55	US- 4,223,365		12-1977	Richard J. Moran	
56	US- 4,316,230		02-1982	James E. Hansen	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	09/829,339
		Filing Date	April 9, 2001
		First Named Inventor	David Y. Yan
		Art Unit	2836
		Examiner Name	Zeev Kitov
Sheet	4	of	5
		Attorney Docket Number	

U. S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	57	US- 5,418,678	05-1995	McDonald	
	58	US- 6,717,782	04-2004	DiSalvo et al.	
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	75	US- 5,617,284	04-1997	Paradise	

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Sheet 5 of 5

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Application Number	09/829,339
Filing Date	April 9, 2001
First Named Inventor	David Y. Chan
Art Unit	2836
Examiner Name	Zeev Kitov

Attorney Docket Number 0267-1430

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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		Country Code ³ -Number ⁴ -Kind Code ⁵ (<i>if known</i>)				

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